

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 03-12189-RWZ

UNITED STATES OF AMERICA ex rel.
MARK EUGENE DUXBURY and DEAN McCLELLAN

v.

ORTHO BIOTECH PRODUCTS, L.P.

ORDER

August 13, 2012

ZOBEL, D.J.

Defendant's Motion for Summary Judgment (Docket # 112) is ALLOWED given Relator's acknowledgment that, "[a]t the conclusion of the discovery period, in response to Defendant's discovery requests . . . Relator has not identified and does not possess any documents, witness testimony or other admissible evidence to support Relator's remaining allegations, as limited by the Court's Order dated September 27, 2010. . . ." Stipulation ¶¶ 10-11. See also Celotex v. Catrett, 477 U.S. 317, 322-23 (1986).

To the extent Relator's opposition seeks reconsideration of the court's Order and Memorandum of Decision of September 27, 2010 (Docket # 106), such request is DENIED.

Judgment shall be entered accordingly.

August 13, 2012

DATE

/s/Rya W. Zobel

RYA W. ZOBEL

UNITED STATES DISTRICT JUDGE

